

ATTACHMENT - REMARKS

By this Amendment, a minor correction has been made in the specification. In the claims, substantial amendments for clarity and to better define the invention have been made. It is submitted that the present application is in condition for allowance for the following reasons.

Initially it is noted that the reference to certain claims in the specification has been deleted since such a reference is generally not desired in US practice.

In addition, it is noted that the **Office Action Summary** at 10) was checked to indicate something about the drawings filed 28 July 2006; but thereafter no indication was given as to further whether the present drawings were acceptable or objected to (and it is noted that no objection to the drawings was subsequently made in the DETAILED ACTION). If some revision of the drawings is desired, and the application is otherwise in condition for allowance, the examiner is invited to contact the undersigned so that suitable corrections can be easily made as by a supplemental amendment or the like.

In the *Claim Rejections - 35 USC § 112* section of the DETAILED ACTION, claims 1-7 and 10-29 were all rejected as being indefinite. In particular, the examiner noted that the use of a "/" (backslash) between terms and the term "and/or" made the claims indefinite. By this Amendment, the claims have been suitably amended to use the "one of" language typical for US practice where two alternative limitations are presented.

In addition, various other changes of a self-evident nature have been made to otherwise adapt the claims for conformance with US practice. It is therefore submitted

that all pending claims are now definite and thus that the rejection under § 112 has been overcome.

In the following *Claim Objections* section, dependent method claims 18-20 were objected to for being in improper dependent form since they depended from apparatus claim 10. As suggested by the examiner, claim 18 has been rewritten in independent form and to include the subject matter of claim 10 (and claim 1 from which claim 10 depended) in order to overcome this objection. And in a similar manner, dependent claim 10 claiming a sound absorbing assembly (of at least one sound absorbing device) has been rewritten in independent form so that it does not depend from independent claim 1 claiming a sound absorbing device.

In the *Claim Rejections - 35 USC § 103* section, independent claims 1 and 15 and dependent claims 2-6, 16-17 and 27 were all rejected under 35 USC § 103 as being obvious over the principal Guilloud patent. However, for the following reasons, it is submitted that these claims are all allowable over this reference.

As now particularly claimed in amended claim 1, the present invention is a device having a body containing one or more cavities. This body is movable from states where it is one of inflated and collapsed or extended and compressed by a variation of the gas pressure therein. As a result of controlling this movement by actively varying the gas pressure, one of an absorption coefficient α or a resonance frequency of the body is actively varied between a very high value and a very low value substantially lower than the very high value. It is thus an advantage of the present invention that the sound absorbing device can be quickly changed, in the nature of an "on/off function". It is also an advantage that the sound absorbing device is easily stowed and/or transported since

in its deflated or collapsed state, it is compact (and can even be rolled up as also claimed in the allowable claims).

The Guilloud patent discloses a noise-absorption structure which includes a resilient membrane 10 mounted on a rigid frame 12. By use of a wall 36 in frame 12, a chamber 34 is created underneath membrane 10. Energy-dissipation is achieved by "a laminar gas flow (e.g. of air)" out of chamber 34 which communicates "with the bottom volume of the frame 12 via respective ducts 38". Ducts 38 are "of relatively small section and relatively great length compared with their section, enabling energy to be dissipated by a laminar flow of the gas." [See column 4, lines 18-25.]

From the above, it is apparent that the invention of the Guilloud patent is significantly different in construction from that of the present invention. Initially, it will be noted that the chamber 34 volume does not vary, as it is taught as fluidly communicating with the bottom volume. In addition, it is a feature of claim 1 that the volume of the body of the sound absorbing device is movable, by varying the gas pressure therein, between an inflated state and a collapsed state (like a balloon), or between an extended state and a compressed state (like a self-inflated mattress). Movement between the two states changes one of an absorption coefficient or a resonance frequency as noted above between a very high value (or active value) and a very low value (non-active value) which is substantially lower than the very high value. Since the frame 12 of the Guilloud patent is not so movable by a change in gas pressure (if any, as it seems open to atmosphere), it is likewise not usable to change an absorption coefficient or a resonance frequency as claimed by a means for varying the gas pressure.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claim 1 is not made obvious by the Guilloud patent so that claim 1 is now allowable. For at least these same reasons, it is also submitted that claims 2-7 (and 8-9 which are withdrawn) and 27 dependent therefrom are likewise allowable.

Amended independent method claim 15 similarly claims the above noted features of amended independent claim 1. Therefore, for at least these same reasons, it is also submitted that independent claim 15 is also allowable; and that claims 16-18 dependent therefrom are likewise allowable.

Also in the *Claim Rejections - 35 USC § 103* section, dependent claim 7 was rejected as being obvious over the Guilloud patent and further in view of admitted prior art. However, it is submitted that claim 7 is allowable at least for the same reasons as independent claim 1 mentioned above from which it depends.

In the *Allowable Subject Matter* section, the examiner indicated that dependent claims 10-14, 18-26 and 28-29 all contained allowable subject matter. This indication of allowable subject matter is appreciated. As a result of this indication, the following actions have been taken.

- 1) Assembly claim 10 has been rewritten in independent form, including the limitations of claim 1 from which it depended. It will be noted that the limitations taken from claim 1 have been revised in a similar manner to those still present in claim 1 in order to overcome the § 112 rejection. Therefore, independent claim 10 is now allowable, as are claims 11-14, 26 and 28-29 still dependent therefrom.
- 2) Method claim 18, which formerly depended from claim 10, has been rewritten in independent form (as suggested by the examiner, and noted above). Amended

claim 18 contains similar limitations to those now present in amended claim 10, so that claim 18 should likewise be allowable, together with claims 19-20 depending therefrom.

- 3) System claim 21, which formerly depended from claim 10, has been rewritten in independent form (as noted above). Amended claim 21 contains similar limitations to those now present in amended claim 10, so that claim 21 should likewise be allowable, together with claims 22-25 depending therefrom.

Therefore, all of these claims are also now allowable.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

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